



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/379,104	08/23/1999	YOSHINORI NAKAYAMA	500.35669CX1	9870

20457 7590 01/24/2005

ANTONELLI, TERRY, STOUT & KRAUS, LLP
1300 NORTH SEVENTEENTH STREET
SUITE 1800
ARLINGTON, VA 22209-9889

EXAMINER

NGUYEN, NGA B

ART UNIT PAPER NUMBER

3628

DATE MAILED: 01/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/379,104

Applicant(s)

NAKAYAMA ET AL.

Examiner

Nga B. Nguyen

Art Unit

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is the answer to the Amendment filed on August 10, 2004, which paper has been placed of record in the file.
2. Claims 1-20 have been canceled. Claims 21-39 are pending in this application.

Response to Arguments/Amendment

3. Applicant's arguments with respect to claims 21-39 have been considered but are moot in view of the new grounds of rejection.

4. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 21-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hirotaka, Japanese Patent No. 8106439 in view of Computer Product Update Journal, and further in view of Hotaling et al (hereinafter Hotaling), U.S. Patent No. 5,124,912.

Regarding to claim 21, Hirotaka discloses a schedule retrieval method, performed in a server apparatus (the portable information terminal includes an external schedule access means, a schedule response means, and a free time retrieval means) coupled to terminal apparatuses (the external computers) allocated to schedule-reserving persons and schedule-reserved persons through a communication line (a communication means 4), for retrieving idle time of a schedule, comprising the steps of:

transmitting data to said terminal apparatus and receiving data from said terminal apparatuses (the portable information terminal is provided with the external schedule access means 8 which inquires a schedule from an external computer; the schedule response means 9 which sends back schedule information according to the inquiry about the schedule from the external computer); and

retrieving common idle time from one of said plurality of persons to make an idle-time retrieval result be a following retrieval condition for retrieving idle time from the schedule of another one of said plurality of persons (the operation is repeated to retrieve the common free time by the free time retrieve means 10 by using the gather schedule data on the other persons).

Hirotaka does not teach dividing each of schedules registered for a plurality of persons and a plurality of equipments into a plurality of groups and retrieving common

idle time based on a plurality of groups. However, Computer Product Update teaches dividing each of schedules registered for a plurality of persons and a plurality of equipments into a plurality of groups and retrieving common idle time based on a plurality of groups (CA-UpToDate is a Windows-based scheduling package for groups of workers... Users can be grouped together and their calendars collectively searched to retrieve free time for the groups). Hotaling teaches grouping the participant based the degree of significance and retrieving common idle time based on a plurality of groups (column 5, lines 19-35, critical and non-critical participants). Moreover, it is obvious that the process of retrieving an idle time common from one group as a retrieval condition for retrieving an idle time common for another group of plurality of groups will work the same as retrieves an idle time common from one person as a retrieval condition for retrieving an idle time common for another person of plurality of people, because one group may contain only one person. Therefore, it would have been obvious to improve the method of Hirotaka by combining the feature taught by Computer Product Update and Hotaling above for the purpose of time consuming, because the participants with the same degree of significant are grouped together to retrieve the common free time for the group, thus the process does not need to repeat many times for the participants having the same degree of significant.

Regarding to claim 22, Hirotaka does not teach wherein a degree of significance is provided to participants respectively so that schedules of said participants are grouped in the order of said degree of significance to thereby output idle time correspondingly to said degree of significance. However, Hotaling teaches wherein a degree of significance is provided to participants respectively so that schedules of said participants are grouped in the order of said degree of significance to thereby output idle

time correspondingly to said degree of significance. (See claim 21 for the same motivation).

Regarding to claims 23 and 25, Hiroataka does not teach making registration for a special group, wherein said idle time is retrieved so that at least one of participants and equipments in said special group satisfies said retrieval condition. However, Hotaling teaches making registration for a special group, wherein said idle time is retrieved so that at least one of participants and equipments in said special group satisfies a condition (column 5, lines 19-35). (See claim 21 for the same motivation).

Regarding to claim 24, Hiroataka does not teach providing a visual display of said idle-time retrieval result at selected ones of said terminal apparatuses. However, Hotaling teaches (providing a visual display of said idle-time retrieval result at selected ones of said terminal apparatuses column 9, lines 25-45). Therefore, it would have been obvious to improve the method of Hiroataka by combining the feature taught by Hotaling above for the purpose of providing more convenient for the user to view the retrieval result information.

Regarding to claim 26, Hiroataka discloses preparing a plurality of databases which store schedules of subjects of participation and a host person, and schedules of Equipments (the schedule information stored in the storage means 2).

Regarding to claim 27, Hiroataka discloses accessing selected ones of said plurality of databases in accordance with the retrieval condition made in the common idle time retrieving step (the schedule response means 9 sends the schedules back and the operation is repeated to retrieve the common free time by the free time retrieve means 10).

Claims 28-32 contain similar limitations found in claims 21, 24, 25, 27, 22 above, therefore, are rejected by the same rationale.

Claims 33-39 are written in computer software that parallel the limitations found in claims 21-27 above, therefore, are rejected by the same rationale.

Conclusion

7. Claims **21-39** are rejected.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nga B. Nguyen, whose telephone number is (703) 306-2901. The examiner can normally be reached on Monday-Thursday from 8:30 AM-6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough, can be reached on (703) 308-0505.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1113.

9. **Any response to this action should be mail to:**

Commissioner of Patents and Trademarks
c/o Technology Center 3600
Washington, D.C. 20231

or faxed to:

(703) 872-9326, (for formal communications intended for entry)

or:

(703) 308-3961 (for informal or draft communications, please
label "PROPOSED" or "DRAFT")

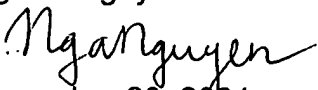
Hand-delivered responses should be brought to Crystal Park 5, 2451 Crystal

Application/Control Number: 09/379,104
Art Unit: 3628

Page 7

Drive, Arlington, VA, Seventh Floor (Receptionist).

Nga B. Nguyen


December 20, 2004